



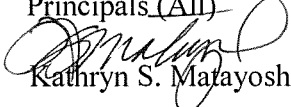
STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

June 3, 2013

Action Required

TO: Complex Area Superintendents  
Principals (All)

FROM:  Kathryn S. Matayoshi, Superintendent

SUBJECT: **Annual Notification of Privacy Rights**

Reference memo dated April 15, 2010, "Required Electronic Student Information System (eSIS) Input of Geographic Exception (GE) and Family Educational Rights and Privacy Act (FERPA) Non-Disclosure Data."

Federal laws require the Hawaii Department of Education (DOE) to annually notify parents, guardians, and eligible students (18 years or older) about privacy rights under the FERPA and the Protection of Pupil Rights Amendment (PPRA). Under FERPA, the DOE must also designate what student information it has determined as directory information and how a request can be made to withhold such information (i.e., opt out) from being disclosed, unless FERPA guidelines allow disclosure without consent.

Additionally, in accordance with the No Child Left Behind (NCLB) Act, the DOE provides military recruiters, upon their request, the name, address, and telephone number (including unlisted numbers) of secondary school students

The enclosed document contains four separate notices:

- Notification of Rights Under FERPA for Elementary and Secondary Schools;
- Notice for Directory Information;
- Notification of Rights Under PPRA; and
- Notice to Secondary School Students and Parents/Guardians of Secondary Students — Military Recruiters Request for Student Information

**NOTIFICATION OF RIGHTS**

The Notification of Rights Under FERPA for Elementary and Secondary Schools specifies basic rights relating to student education records. Other federal laws, such as the Individuals with Disabilities Education Improvement Act, may also impose other requirements and procedures.

## **DIRECTORY INFORMATION**

The Notice for Directory Information designates certain information as directory information. Under FERPA, directory information is information that is generally not considered harmful or an invasion of privacy if released.

### **PPRA**

Parents are afforded certain rights regarding our conduct of surveys, collection and use of information, and certain physical exams under the PPRA.

## **MILITARY RECRUITER INFORMATION**

Military Recruiters are welcome in our schools; however they should work with school administration when scheduling their visits. During these visits Military Recruiters should not ask for nor should they be provided with any student information or lists. The DOE is responsible for releasing the appropriate information to the Inter-Service Recruitment Office (IRC) that represents all branches of service. The DOE compiles the statewide lists composed of students for whom a non-disclosure request (i.e., opt out) has not been submitted to the school and provides the IRC with the information. To reiterate, schools should not provide individual recruiters with any student information or lists. A parent, guardian or eligible student (18 years or older) must submit an opt out request if they do not wish their student information to be released to military recruiters. If a non-disclosure or opt out request is not received by the school, the DOE is required to release student information to military recruiters.

## **ENROLLMENT OF NEW STUDENTS**

For any student that is enrolled after the start of the school year, the parent, guardian and/or eligible student (18 years or older) must be notified of their privacy rights. They must also be provided the opportunity to opt out or request to withhold the release of directory information and/or opt out of providing student information to military recruiters.

## **WITHHOLDING OR NON-DISCLOSURE OF DIRECTORY INFORMATION**

Requests to withhold directory information must be made via a signed, legibly written request. The written request must contain the school name, student's name, date of birth, and must specify that the directory information should not be disclosed. Should a parent, guardian, or eligible student request a form to complete in order to serve as a written request, a copy of the attached form must be available. Please note, however, that completing the form is not the sole means of making a request.

Please remind parents that withholding ALL directory information will prevent disclosures that may be beneficial to students, such as for yearbooks, honors/awards publication, scholarships, etc.

## **MILITARY OPT OUT REQUESTS**

Schools must accept military opt out requests at any time during the school year. For the statewide processing of the lists of students in grades 7 through 12 in combination elementary/secondary schools (e.g., K-7, K-8, K-9, K-11, K-12, &-12) which go to the IRC, eligible secondary students (age 18 or older) or their parents/guardians have 10 business days (i.e., when the schools office is open for business) after the notice is distributed to submit a written request for non-disclosure or to opt out. This deadline is given to ensure that requests are processed prior to lists being given to the IRC. If an opt out request is received after the student lists have been turned over to the IRC, the opt out request will apply to future lists HIDEOE submits to the IRC.

If an opt out request for military recruiters was filed with the school within the last two school years, the request will be honored until the student leaves the Hawaii DOE public school system or until the submitter rescinds the opt out request. Should a student who had an opt out request on file leave the DOE and then return, another opt out request must be filed to withhold information from military recruiters. Information regarding school procedures for processing requests in the eSIS student information system is provided in the attachment.

### **ARMED SERVICES VOCATIONAL APTITUDE BATTERY (ASVAB) TESTING**

Schools may choose not to administer the ASVAB test; however all schools which do choose to administer the test are reminded that they must declare "Option 8" for test administration. The ASVAB Option 8 means that no student information will be released to the military services through the ASVAB test unless a student chooses to opt in. Therefore it is important to remember to instruct students on their privacy rights and to inform them not to sign the Privacy Act Statement on the test answer sheet unless they are opting in to having their information released to the military for recruitment purposes.

Please reference DOE memos:

August 9, 2009                      Armed Services Vocational Aptitude Battery (ASVAB) Test  
Administration in the Department of Education (DOE) Schools

September 30, 2009                Armed Services Vocational Aptitude Battery (ASVAB) Test  
Administration Update

### **DISTRIBUTION**

To ensure that annual notification of privacy rights is provided to parents, guardians, and eligible students, all schools must copy and post the following statement prominently on the front page of their school websites, in clearly visible locations in their administrative offices and other public places within and around their schools (e.g., the library and/or student center), and in their newsletters beginning no later than August 28, 2013:

"Annual Notification of Privacy Rights" "Know your privacy rights as they apply to 1) student record information; 2) directory information; 3) surveys and other information collection; and 4) military recruitment information. For more information on your privacy rights, the laws that protect them, and how to exercise your rights, contact your school administrator or visit <http://ferpa.k12.hi.us>.

Privacy Rights bookmarks and brochures for general distribution and hard copies of the attached Annual Notification Poster will be distributed to schools. Until they arrive, schools may print out and post copies of this poster on their campuses. In addition, schools are encouraged to announce this information at public meetings, including but not limited to School Community Councils.

**Distribution Deadline: Wednesday, August 28, 2013**

### **WRITTEN CONFIRMATION OF DISTRIBUTION**

Principals are asked to provide written confirmation that the annual notification of privacy rights statement has been posted to their school's websites, on their campuses, and in their newsletters, beginning no later than August 30, 2013. The confirmation should be made via Lotus Notes from a school administrator to the school's Complex Area Superintendent (CAS) with copy to "FERPA"

Complex Area Superintendents  
Principals (All)  
June 3, 2013  
Page 4

if within the DOE network. If you are outside of the DOE network, please email the copy to [FERPA@notes.k12.hi.us](mailto:FERPA@notes.k12.hi.us). The confirmation should state the date by which the distribution was completed. Having this date may help to resolve issues or concerns that revolve around timing.

School administrators must send the confirmation no later than Friday, August 30, 2013. The CAS will monitor compliance with the distribution deadline and send me a list of schools that did not meet the August 30, 2013 distribution deadline.

**Confirmation Deadline: Friday, August 30, 2013**

Information regarding school procedures for processing requests in the eSIS student information system is provided in the attachment.

For further assistance, please contact the Customer Service Desk Unit at 564-6000.

KSM:CT:md

Attachments:

- Attachment A: Notification of Rights Under FERPA for Elementary and Secondary Schools;
- Attachment B: Notice for Directory Information;
- Attachment C: Notification of Rights Under PPRa; and
- Attachment D: Notice to Secondary School Students and Parents/Guardians of Secondary Students — Military Recruiters Request for Student Information
- Attachment E: Non-Disclosure of Information Form RS 12-1055
- Attachment F: eSIS Input Instructions
- Attachment G: Military Opt Out Form RS 12-1056

c: Deputy Superintendent  
Assistant Superintendents  
Charter School Administrative Office  
Public Charter School Directors  
Superintendent's Office Directors  
Data Governance Office